

REMARKSRejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 12, 13, 15, 16, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over K-Y Jelly. K-Y Jelly is a well-known lubricant comprising hydroxyethyl cellulose and glycerol as physiologically acceptable organic lubricants and is employed in vaginal and medical applications. The Examiner has stated that it would have been obvious to one of ordinary skill in the art to use K-Y Jelly to ease vaginal child birthing because its use as a vaginal and medical lubricant is well known. However, the Examiner has not set forth an explanation for why a person skilled in the art would be motivated to employ K-Y Jelly in a method for easing vaginal child birthing. In fact, the specification mentions examples of lubricants that are used in obstetrics, but that have no utility in easing vaginal child birthing (see for example p. 1, para. 3 for discussion of veterinary lubricants, p. 2, para. 3 for discussion of gel used for ripening of the cervix, and p. 2, para. 4 for discussion of composition used as substitute for amniotic fluid). Furthermore, claim 12 has been amended and new claim 23 has been added to further distinguish the prior art. Claim 12 has been amended to require that the method be directed to reducing the frictional force between the item to be delivered (fetus, amnion, placenta) and the birth canal of the mother (written description support for this amendment can be found on page 3 of the specification). The Examiner has not provided any evidence to suggest that one of skill in the art would have been motivated to use K-Y jelly specifically for the purpose of reducing such friction. The Examiner's rejection is clearly based on inadmissible hindsight and this rejection should be withdrawn.

The Examiner has rejected claims 12-14 and 18-22 under 35 U.S.C. § 103(a) as being unpatentable over Hardy (US Patent No. 4,981,686). Hardy teaches a water-soluble lubricant for moistening vaginal tissue and for promoting healing of irritated inflamed vaginal tissue. The lubricant comprises petrolatum, coconut oil, anhydrous lanolin, mineral oil, egg albumin and/or stearyl alcohol as the lubricants; aloe vera, lanolin and allantoin as healing agents; sorbitol as a humectant; almond oil and coconut

flavor as fragrances; propylparaben and methylparaben as preservatives; propylene glycol as solvents; and sodium lauryl sulfate as an emulsifier and wetting agent. While the Hardy composition comprises a physiologically acceptable organic lubricant and does not contain any alkali metal salts of metaphosphates, Hardy does not teach or suggest the use of such composition in a method for easing vaginal child birthing. In contrast, the composition according to Hardy is described as being useful as a personal lubricant which serves for ameliorating problems encountered with lack of sufficient natural vaginal lubrication during sexual intercourse. As discussed above, there are many examples of lubricants that are used in gynecology and obstetrics, but that have no known utility in easing vaginal child birthing. Hardy is an additional example of a gynecological use of a lubricant, but Hardy also suffers from the same deficiency these other examples suffer from; that is, it does not teach or suggest to one of skill in the art that the disclosed composition would be acceptable to use as an obstetric lubricant. Thus, Hardy cannot render obvious the subject-matter of the present application and this rejection should be withdrawn.

In view of the foregoing, it is submitted that the present application is now in condition for allowance. Reconsideration and allowance of the pending claims are requested. The Director is authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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